

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
CORPUS CHRISTI DIVISION

ROGER WALLACE HENDERSON,

Petitioner,

VS.

NATHANIEL QUARTERMAN,

Respondent.

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CIVIL ACTION NO. C-08-42

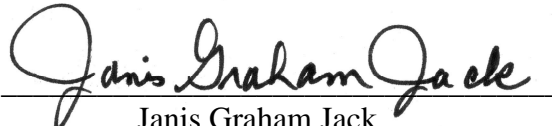
**ORDER ADOPTING MEMORANDUM AND  
RECOMMENDATION TO DENY PETITIONER'S  
MOTION TO PROCEED *IN FORMA PAUPERIS***

On February 6, 2008, United States Magistrate Judge Brian L. Owsley signed a Memorandum and Recommendation recommending that petitioner be found not indigent and that his application to proceed *in forma pauperis* (D.E. 4) be denied. The Memorandum and Recommendation recommended further that petitioner be instructed to pay the filing fee within twenty (20) days of the date of entry of any order adopting the Memorandum and Recommendation, or voluntarily dismiss the petition; and further that petitioner be advised that failure to pay the fee within the time proscribed may result in dismissal of his petition for failure to prosecute. Seeing no objection to this recommendation by either party and having now reviewed the recommendation and noting that petitioner paid the filing fee on February 20, 2008, this Court hereby adopts as its own the Memorandum and Recommendation as the decision of the Court.

Accordingly, the Court finds that petitioner is not indigent and his application to proceed *in forma pauperis* is DENIED.

The clerk shall enter this order and provide a copy to all parties.

SIGNED and ORDERED this 4th day of March, 2008.

  
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Janis Graham Jack  
United States District Judge